

**Vermont Bar Association
Board of Bar Managers
Friday, July 14, 2023
1:00 PM
Via zoom**

Present: Justin Brown, Jessica Bullock, Rich Cassidy (at 2PM), Josh Diamond, Judith Dillon, Pam Eaton, Bob Fletcher, Kate Lamson, Jordana Levine, Andrew Manitsky, Timothy Tomasi, Ted Tyler, Matt Valerio, Alfonso Villegas

Staff: Bob Paolini, Mary Ashcroft, Lisa Maxfield, Kim Velk

1. **Call to Order:** President Manitsky called the meeting to order at 1:03PM.

2. **Emerging Issues:** Flooding in Vermont

Bob Paolini reported that the VBA building is fine and there was no water in the basement. Lisa put out a notice offering our space to use by Washington County lawyers whose offices were flooded. The VBA also did this in 2011 after Tropical Storm Irene. Staff discussed how best to provide legal help to Vermonters impacted by the flooding. Mary Ashcroft noted that the VBA worked with VVLP and VLA during Irene and had reached out again to those partners. She cautioned that we recruited a lot of attorneys for post-Irene legal assistance—over 100—but only a handful of them were used. VBA staff met to discuss this more. Options included volunteering with VVLP/LSV, but the only clients who could be served must be low income. The better option would be to offer limited advice to flood victims. The VBA is recruiting VBA members to be added to the low bono list. Lisa has talked with Jose about using left-over BOA settlement money held by the VBF to fund this new low bono initiative as a community redevelopment effort. Jose agreed this was a good use, so we will ask for that grant. Lisa also noted that we could use the small business low bono project to cover small businesses which had been flooded. We are also exploring hosting a CLE seminar for volunteer lawyers on the basics of FEMA law.

Bob said that due to flooding the Vermont Supreme Court building is closed, as is Washington County courthouse, so Probate and Civil divisions have been moved to Barre. It is unclear how long it will take to reopen these buildings. Orange County court operations are all now occurring remotely. Kim is working to get resources on the VBA website.

3. **Acceptance of Consent Agenda**

A. Minutes: Upon motion made, seconded and unanimously approved, the minutes were accepted as printed.

B. Treasurer's Report: Lisa Maxfield reported that the client security fund has grown to \$1,566,143, almost where we were a while ago. There are two months left in the VBA fiscal year; as of the end of June, revenues are \$105,000 ahead of what was anticipated and budgeted for. Most of this excess is from the CLE programming. Lawyer Referral Service income is still behind projections. Tom will be sending out requests for status reports on referred cases that had been missed previously. Lisa said that we should end the year in good shape.

C. Report of Executive Committee: Did not meet.

D. Board Committee Reports:

i. Operations: Judith Dillon reported that the committee had met with Lisa and Bob to review the proposed budget which will be an action item later in the meeting. The committee had also approved a recommendation for salary increases for staff. The committee will meet in a couple of months to discuss succession planning for staff, with the goal of identifying and recruiting new folks to replace staff as they retire.

ii. Membership: Did not meet

iii. Program and Planning: Did not meet.

iv. Pro Bono: Did not meet.

v. Governance: Bob Fletcher reported that the committee met to begin working on updates to our 5-year plan, mission statement and governance documents.

vi. Workforce Development: Did not meet.

E. President's Report: Andrew Manitsky reported the following activities:

--He attended the Vermont Judicial Commission on Mental health in May; there will be an upcoming meeting and possibly a mental health 101 session.

--The Judiciary's county by county DEI listening tour has finished. Next step is to get a summary to the Supreme Court and move on from there.

--Andrew conducted several section chairs and county bar presidents' meetings. The court wants feedback from members on sheriff reform and courthouse security.

--Fastcase is making progress posting trial court decisions. Judge Zonay is urging trial judges to send in decisions for filing.

--Andrew noted that the VBA is supposed to have a fee arbitration committee, but there are no materials posted on our website about this. We need clear rules, an on-line form to sign up, and should include lay people in addition to lawyers on the panel. He will work on some materials for review by the VBA Board.

F. Executive Director's Report: Bob Paolini said that he had been working on the proposed budget for the next fiscal year which begins September 1. A new staff person, Erica Back, will be joining the VBA next Monday. Paul Velk is leaving in two weeks to go to law school. Laura is taking a vacation now, and Lisa has scheduled time off in August. It will be busy in early August as staff gets dues notices out and continues planning for the annual meeting.

G. Division and Section Reports:

i. Young Lawyers Division: The Montreal hotel is already booked for the Thaw in January of 2024, and the keynote speaker is nearly lined up. The YLD hosted an event at The Archives in Burlington for a VBA's queer affinity group. The YLD is also working on a survey to first year lawyers about obstacles they face in meeting licensing requirements. Andy Strauss at the court has approved the questions. Planning is underway for an event in Brattleboro. The group needs volunteers for the trial academy in July.

ii. Women's Division: No report.

iii. Government and Non-Profit Division: Did not meet.

H. Staff Reports:

a) Kim Velk thanked Pam for organizing witnesses for the trial academy. The Bar Journal is coming out soon. Kim and Laura are working on presenters and programs for the annual meeting in September.

b) Mary Ashcroft reported that several lawyers had expressed interest in the incoming Incubator class, and that interviews would be held soon. The VBA will receive another year of VOCA grant funding at \$50,000; Mary is working with Lisa on the grant application, as well as end of the year grant reports for low bono projects and the coordinator position. She is also writing a new grant for VBF funding for a low bono project to assist flood victims.

c) VBF did not meet

I. A2J Coalition: Will meet in August.

4. Action Items:

A. Enrollments: Upon motion made, seconded, and unanimously approved, and following were approved as new VBA members: Legal members Tracey Gilliam, Lindsay Goheen, Mary Hansen, Kimberly LaTorraca, Taaha Rehmani, Benjamin Reilly, Tegan Troutner and Nancy Williams; Law Student Associate Member Rachel Bogart.

B. Adopt FY 2024 budget: Lisa and Bob reviewed the proposed budget for FY 2024. On the income side, CLE income is projected to increase, but not as much in the current year. This year we had the notary public training which was a huge income generator. Membership dues is budgeted to be down \$10,000; the budget reflects an increase of \$10 in each membership category. The Lawyer Referral Service income budget is also down to reflect this year's trend. There is also an increase in grant income, some of which we have not yet received. On the expense side, the cost of meetings is going up and we will also record more programs, so those costs are up. Most other categories are flat, except salaries and contracted services are both increased. Bob has moved out of contracted services and into the salary line; Mary's time, presently half time, has been increased to 60% time, and moved from contracted services to the salary line.

Discussion ensued about the proposed budget. Annual and mid-year meetings will both be at the Hilton in Burlington, which is an expensive venue. Travel costs for staff and board members have also been increased. Josh asked about excess reserves and questioned whether there is a need to increase dues this year. Although the audit is not yet complete, we anticipate some surplus to add to the \$400,000 in reserves. The reserves will be needed eventually for capital improvements, which are not included in the proposed budget. A new roof and other improvements are needed. The Board had discussed raising dues every couple of years to build in a cushion in case we lost more members or more LRS income than anticipated. Bob would like to have 6 months to a year's worth of operating expenses in reserve just in case. Lisa noted the number of upcoming emeritus members which will result in more loss of income. Matt said that we have maintained about \$500,000 in reserves going forward. We should keep in mind that our ED is a bargain, and that expense will increase when Bob retires and we hire a new ED. Matt suggested that incremental increases better than one large one.

Upon motion made, seconded and unanimously approved, the 2024 budget was adopted.

C. Set Board Meeting Dates:

Bob presented a proposed schedule of Board meeting dates. After discussion, upon motion made, seconded, and unanimously approved the attached schedule of dates. The September 28, 2023 Board meeting will be held both in person at the Hilton and remotely via zoom.

5. Discussion:

A. Bob raised Jim Rodgers' suggestion that we adjust the LRS initial fee upward from \$25 for the first 1/2-hour consultation. Much discussion ensued. President Manitsky, noting that staff needs to research the numbers, send the matter to the Operations Committee to develop a recommendation for the Board.

B. Alfonso Villegas suggested bringing the judiciary clerks in as VBA members. Maybe we can attract them to CLE offerings. Judicial clerks don't earn much money, about \$60,000 a year. But neither do new solo practitioners who also have overhead. A discounted rate might be considered for all of them. We already provide a discounted rate to first year members. President Manitsky sent the matter to the Membership Committee for study and recommendation to the full Board.

6. Executive Session: None needed.

7. New business: None.

8. Old business: None.

9. Adjournment: Upon motion made, seconded and unanimously approved, the meeting was adjourned at 2:48PM.

Respectfully submitted: VBA Staff